

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

COURTNEY SPENCER,

Plaintiff,

v.

Civ. No. 1:21-cv-00121 MIS/JHR

MENTAL HEALTH RESOURCES, INC.,

Defendant.

**ORDER AUTHORIZING NOTICE TO OPT-IN PLAINTIFFS**


THIS MATTER is before the Court pursuant to its Memorandum Opinion and Order (the “Order”), dated August 1, 2022. ECF No. 28. In its Order, the Court granted Plaintiff’s Motion for Step-One Notice Pursuant to the Fair Labor Standards Act, ECF No. 19, and ordered Plaintiff to meet and confer with Defendant, and file an updated Proposed Notice by August 15, 2022, which Plaintiff has since done. *Id.* at 13; *see also* ECF No. 30. Defendant filed objections on August 22, 2022. ECF No. 28.

The Order also directed Plaintiff to indicate the date from which the three-year period shall run by August 15, 2022. *Id.* at 13. Plaintiff indicated in her Notice, ECF No. 30, that she had “been conferring with Defendant on a stipulation to equitably toll the statute of limitations in this case,” and included a draft of such stipulation as an exhibit. ECF No. 30 at 2 n.5. The proposed stipulation contemplated tolling the statute of limitations from September 26, 2021—the date when Plaintiff first filed her Motion for Step-One Notice Pursuant to the Fair Labor Standards Act, ECF No. 19—to the date Plaintiff sends a notice to a given potential opt-in plaintiff. ECF No. 30-4 at 2. Plaintiff has

not yet filed a final stipulation; however on September 16, 2022, the parties indicated they are ready for the Court to rule. ECF No. 33 at 1.

The Court will therefore deem the statute of limitations to be tolled as to any opt-in plaintiff from September 26, 2021 to the date Plaintiff first sends the notice of right to join lawsuit to such potential opt-in plaintiff. Next, the Court will address the Proposed Notice itself. Plaintiff submitted her desired notice, ECF No. 30-1, and Defendant submitted its redlined copy along with its objections, ECF No. 32-1. Having reviewed both versions, the parties' submissions, and the relevant law, the Court hereby **OVERRULES** Defendant's objections and **APPROVES** Plaintiff's unedited version of the Proposed Notice and Consent form, ECF No. 30-1.

**IT IS SO ORDERED.**

  
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**MARGARET STRICKLAND**  
UNITED STATES DISTRICT JUDGE